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8523-27

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

AIR ADVANTAGE, INC.)	
)	
Plaintiff,)	
v.)	
)	Court No. 14-cv-5694
FEDERAL INSURANCE COMPANY AND STARR)	
ADJUSTMENT SERVICES, INC.,)	
)	
Defendants.)	

NOTICE OF REMOVAL

Defendant, FEDERAL INSURANCE COMPANY (hereinafter "Federal") and STARR ADJUSTMENT SERVICES, INC (hereinafter "Star") by and through their attorneys Mark T. Banovetz and Richard D. Heytow of Tressler LLP, and pursuant to 28 U.S.C. §1468, 28 U.S.C. §1332(a) and 28 U.S.C. §1441, *et seq.*, hereby submit this Notice of Removal of this action from the Circuit Court of Cook County, Illinois to the United States District Court for the Northern District of Illinois, Eastern Division. In support hereof, Federal states as follows:

1. Federal and Starr are Defendants in an action filed on July 11, 2014 in the Circuit Court of Cook County as Court No. 2014 CH 11442, captioned *Air Advantage, Inc. v. Federal Insurance Company and Starr Adjustment Services, Inc.* ("State Court action"). A copy of the Complaint and Plaintiff's Jury Demand are attached hereto as **Exhibit 1**.

2. The Summons and Complaint were served upon Federal pursuant to the agreement of Federal to allow its attorney, Mark T. Banovetz, to accept service on its behalf, on July 6, 2014. Summons and Complaint were served upon Starr pursuant to the agreement of

Star to allow its attorney, Mark T. Banovets, to accept service on its behalf on July 22, 2014. A copy of the Summons addressed to Federal is attached hereto as **Exhibit 2** and a copy of the Summons addressed to Starr Adjustment Services, Inc. is attached hereto as **Exhibit 3**. Accordingly, this Notice of Removal is timely filed within thirty (30) days after Federal was served with the Complaint under 28 U.S.C. §1446(b).

3. No further proceedings have been had in the State Court action.

4. The above titled action is a civil action of which this Court has original jurisdiction under the provisions of 28 U.S.C. §1332(a) (Diversity of Citizenship), and is one which may be removed to this Court by Federal and Starr pursuant to the provisions of 28 U.S.C. §1441 in that it is a civil action where in the amount in controversy exceeds the sum or value of \$75,000 exclusive of interest and costs, and is between citizens of different states.

5. Air Advantage, Inc., the Plaintiff, is a corporation organized and existing under the laws of the state of Iowa with its principal place of business in Iowa.

6. Federal is a corporation which was organized under the laws of the state of New Jersey and which was re domiciled to the state of Indiana and which has its principal place of business in New Jersey.

7. Starr Adjustment Services, Inc. is a corporation organized and existing under the laws of Delaware with its principal place of business in the state of Georgia.

8. In the Complaint, the Plaintiff seeks a Declaratory Judgment and damages for the alleged breach of a contract of insurance covering damage to an airplane. Plaintiff seeks \$500,000 for the damage to the airplane and additional amounts for the alleged bad faith refusal of Federal to pay that amount.

9. The United States District Court for the Northern District of Illinois, Eastern Division, is the Federal District embracing the Circuit Court of Cook County, Illinois where the State Court action was filed. 28 U.S.C. §93(a)(1).

10. Defendant has attached a copy of all process, pleadings, and orders that have been served in this action as **Exhibits 1, 2 and 3**.

11. Federal will promptly serve Plaintiffs and all other parties with this Notice of Removal and will promptly file a copy of this Notice of Removal with the Clerk of the State Court in which the State Court action is now pending as required by 28 U.S.C. §1446(d).

12. Defendant hereby reserves all defenses and objections to Plaintiff's Complaint.

WHEREFORE, Defendant FEDERAL INSURANCE COMPANY, gives notice of the above-referenced action now pending in the Circuit Court of Cook County, Illinois has been removed to this Court.

Respectfully submitted

By: /s/ Mark T. Banovetz

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